
Human Services Committee

HB 2025

Brief Description: Sharing health care information.

Sponsors: Representatives Orwall, Hinkle, Dickerson, Green, Appleton, Driscoll, Morrell, Kagi, Van De Wege and Kenney.

Brief Summary of Bill

- Allows treatment records, except psychotherapy notes, to be released, without the patient's consent, to a licensed health care professional who is providing or anticipates providing health care for a person who has both medical and behavioral health care needs in order to coordinate care for that patient.

Hearing Date: 2/16/09

Staff: Linda Merelle (786-7092)

Background:

In Washington, all treatment records, with a few exceptions, shall remain confidential. They may be released only to persons designated by statute or to other persons designated in an informed written consent of the patient. In some circumstances, treatment records may be released without the consent of the patient. Such records, however, remain confidential.

Treatment records may be released without consent as follows:

- to a person, organization or agency as necessary for management or financial audits or program monitoring and evaluation;
- to the Department of Health and Social Services (DSHS) when necessary to be used for billing or collection purposes;
- for research as permitted under statute;
- pursuant to a lawful order of the court;
- to qualified staff members to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

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- to persons working within the treatment facility where the patient is receiving treatment;
- within the DSHS as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse;
- to a licensed physician who has determined that the life or health of the person is in danger and that treatment without the information could be injurious to the patient's health;
- to a facility that is to receive a person who is involuntarily committed under RCW 71.05;
- to a correctional facility for limited purposes;
- to the person's counsel or guardian ad litem in order to prepare for involuntary commitment proceedings;
- limited information to staff members of non-profit advocacy agencies for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities; or
- the DSHS may release information acquired for billing and collection purposes to coordinate care.

Summary of Bill:

In addition to the existing statutory provisions for the release of treatment records without a patient's consent, treatment records may be released to a licensed health care professional who is providing or anticipates providing health care to a person with both medical and behavior health care needs. Such treatment records may only be released for the purpose of coordinating care and treatment of that person. Thus, a healthcare professional providing medical treatment may coordinate with a healthcare professional providing mental health treatment to provide care for a common patient. Psychotherapy notes may not be released without authorization of the person who is the subject of the request for release of information.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.